THE HON'BLE SRI JUSTICE V.ESWARAIAH

Writ Petition No.852 of 2006

17.01.2006

Between:

Lingammallu Vijayalakshmi

... PETITONER

AND

Kakinada Municipal Corporation rep. by its Commissioner, Kakinada, East Godavari District and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.ESWARAIAH

Writ Petition No.852 of 2006

ORDER:

Heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondents.

It is stated that the petitioner is the owner of the premises bearing Door No.21-8-1 situated at Raja Rammohanroy Road, Kakinada-1, and that there are certain civil disputes pending with regard to the said property. While so, the work of widening the roads has been taken up by the officers of the respondent-Corporation and in that process, the respondents are attempting to demolish the said property without following the procedure prescribed in law. The work of widening the roads is in the public interest. The respondents are empowered to widen the roads. However, in the process of widening the roads, if the property of a citizen is required for the said purpose, it is always open to the respondents to acquire the said property by way of agreement as contemplated under Section 146 of the Hyderabad Municipal Corporations Act, 1955 (for short 'the Act'), which is also applicable to Kakinada Municipal Corporation and if the property cannot be acquired by way of agreement, it can be acquired

in accordance with the provisions of Section 147 of the Act.

Having regard to the facts and circumstances of the case, the respondents are directed to follow the procedure prescribed in law, particularly as referred to above, while acquiring any part or whole of the property of the petitioner for the purpose of widening the roads.

With the above observations, the writ petition is disposed of. No costs.

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17.01.2006

VGB